

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

EnergyNorth Natural Gas, Inc.

v.

Civil No. 99-cv-049-JD

Century Indemnity Company

O R D E R

Century Indemnity Company moves for reconsideration of the court's order denying its motion for relief from that part of the judgment ordering it to pay attorneys' fees and costs. In support of reconsideration, Century argues that the court improperly relied upon a New Hampshire statute that is inapplicable to an award of attorneys' fees. EnergyNorth opposes the motion for reconsideration.

Century appears to misunderstand the basis of the court's order denying Century's motion for relief from judgment. Century repeatedly asserted that it was jointly and severally liable with Lloyd's of London for the amount of attorneys' fees awarded in this case and that it shared equal responsibility for that award with Lloyd's. The court referred to New Hampshire Revised Statutes Annotated § 507:7-e as a statement of the general rule of joint and several liability, not as authority that established the application of joint and several liability in the award of attorneys' fees. While that statute may apply to awards of

attorneys' fees, that issue was not resolved in the court's order. In this case, however, the application of joint and several liability was based on Century's representations as to the responsibility it bore for incurring the attorneys' fees that were awarded.

Conclusion

For the foregoing reasons, the defendant's motion for reconsideration (document no. 469) is denied.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

April 27, 2007

cc: John L. Altieri, Esquire
Edmund J. Boutin, Esquire
Bruce W. Felmly, Esquire
Rachel A. Hampe, Esquire
William P. Lalor, Esquire
Lawrence A. Serlin, Esquire